

Poachers.CPL

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FILED
DISTRICT COURT OF GUAM

MAY - 5 2005 *mba*

MARY L.M. MORAN
CLERK OF COURT

(1)

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

05-00017

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN SAN NICOLAS CHARGUALAF
and JOHN A. B. ATOIGUE

Defendants.

MAGISTRATE CASE NO. _____

COMPLAINT

UNLAWFUL TAKING OF WILDLIFE

[16 U.S.C. § 3372(a)(3)(A) and (4)]

[18 U.S.C. §§ 7(3) and 13] (Count 1)

(Misdemeanor)

ENTERING MILITARY PROPERTY

[18 U.S.C. § 1382] (Count 2)

(Misdemeanor)

THE UNDERSIGNED COMPLAINANT CHARGES UPON INFORMATION AND BELIEF
THAT:

**COUNT 1 - UNLAWFUL TAKING, POSSESSION, OR TRANSPORTATION
OF WILDLIFE**

On or about May 5, 2005, in the District of Guam, the Defendants, JUAN SAN
NICOLAS CHARGUALAF and JOHN A.B. ATOIGUE, at a place within the special maritime
and territorial jurisdiction of the United States, namely Andersen Air Force Base, Guam, on land
acquired for the use of the United States and under its concurrent jurisdiction, did knowingly and

1 unlawfully attempt to possess wildlife, deer or wild pigs with an artificial lights in violation of
2 Title 5, Guam Code Annotated, Section 63121 and 63125, all in violation of Title 16 United
3 States Code, Section 3372(a)(3)(A) and Title 18, United States Code, Sections 7(3) and 13.

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5 **COUNT 2 -- ENTERING MILITARY PROPERTY**
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7 On or about May 5, 2005, in the District of Guam, the Defendants, JUAN SAN
8 NICOLAS CHARGULAUF and JOHN A.B. ATOIGUE, went upon a United States military
9 reservation, to wit: Andersen Air Force Base, Guam, for a purpose prohibited by law or lawful
10 regulation, that is, intending to engage in conduct in violation of Title 16, United States Code,
11 Section 3372(a)(3)(A) and (4), and title 5 Guam Code annotated, Section 63121 and 63125, in
12 violation of Title 18 United States Code, Section 1382.

13 **COMPLAINANT FURTHER STATES:**

14 1. My name is PAUL C. AGUON and I am a Conservation Officer with the Guam
15 Department of Agriculture. In that capacity, I attest to the following:

16 2. I have been a Conservation Officer for 14 years and I am responsible for enforcement
17 of the Federal and Guam laws concerning Fish, Game and Wildlife.

18 3. In the early morning hours of May 5, 2005, I and my fellow conservation officers
19 while on regular duty decided to enact enforcement in and around the Northwest Field area of
20 Andersen AFB, Guam. We deployed into the area of operations at approximately 0240 hours on
21 May 5, 2005.

22 4. At approximately 0338 hours on May 5, 2005, while undertaking an anti-poaching
23 patrol, I observed a grey 1976 Chevrolet Cheyenne pickup truck, grey in color, traveling through
24 to the to the Hunter's Gate area of Northwest Field. In addition, I observed the vehicle then enter
25 the gate into the former runway area beyond the Hunter's Gate area.

26 5. At approximately 0340 hours, I heard a gunshot coming from the area of the runway.
27

1 Accompanied by Officer M.G. Villagomez of my unit, we proceeded into the runway area in an
2 official vehicle, Government of Guam License Plate Number 3681.

3 6. At approximately 0342 hours, we observed the grey pickup truck we had observed
4 earlier and approached the vehicle to intercept the vehicle. Defendant CHARGUALAF was
5 located in the vehicle and detained for investigation.

6 7. At approximately 0344 hours, I requested assistance from Andersen Air Force Base
7 Security Officers by radio.

8 8. At approximately 0345 hours I requested further assistance from Security Officers of
9 Andersen Air Force Base (AAFB) to include use of a military working dog. At approximately
10 0412 hours, Air Force Security Forces members SSgt Palomo and SSgt Brown, along with
11 military working dog "Reddy" arrived at the scene and a sweep of the area was initiated.

12 9 At approximately 0440 hours, while continuing our sweep of the area, military
13 working dog "Reddy" indicated a scent alert and, after a challenge, Defendant ATOIGUE was
14 located in the jungle area and taken into custody by my colleague, Conservation Officer Mark J.
15 D. Aguon.

16 10. A search of Defendant ATOIGUE prior to transportation to AAFB Security Forces
17 Headquarters revealed three Winchester 12 gauge buckshot cartridges, two Winchester 12 gauge
18 slug cartridges and one small black head mounted spotlight.

19 11. Upon arrival at AAFB Security Forces Defendants CHARGUALAF and ATOIGUE
20 were advised of their Fifth Amendment and other Constitutional rights via AF Form 1168.
21 Defendants CHARGUALAF and ATOIGUE declined legal counsel and agreed to answer
22 questions voluntarily.

23 12. Defendant CHARGUALAF stated that he had been apprehended by law enforcement
24 officers at Northwest Field with Defendant ATOIGUE. He further stated that he had been
25 driving the grey Chevrolet Cheyenne pickup truck in the area on Air Force property and that
26 Defendant ATOIGUE was riding in the bed of the pickup truck when he shot at a deer and then
27

1 pursued the deer into the jungle.


2 13. Defendant ATOIGUE admitted via AF Form 1168 that he was illegally hunting on
3 the property of Andersen Air Force Base at approximately 0400 on May 5, 2005.

4 14. At approximately 0700, a further search of the area where the Defendants were taken
5 into custody revealed one single shot 12 gauge shotgun, S/N S12SP042386, one black MK 3
6 MOD 0 USN hunting knife, one spent Federal 12 gauge shotgun cartridge and one female deer
7 carcass of approximately 110-120 pounds weight.


8 15. All of the above occurred on property owned by the United States and the United
9 States Air Force.

10 FURTHER AFFIANT SAYETH NAUGHT.

11 DATED this 5th day of May, 2005.

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13 
14 PAUL C. AGUON
Conservation Officer

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16 SUBSCRIBED AND SWORN to before me this 5th day of May, 2005.

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18 
19 JOAQUIN V. E. MANIBUSAN, JR.
20 Magistrate Judge
21 District Court of Guam
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